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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,485	03/01/2004	Akihisa Shouen	826.1933	7539
21171	7590	07/27/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			SINGH, DALIP K	
			ART UNIT	PAPER NUMBER
			2671	

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/788,485

**Applicant(s)**

SHOUEN, AKIHISA

**Examiner**

Dalip K. Singh

**Art Unit**

2671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 03-01-2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 2 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 1.

When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k). For the purpose of this PTO Office action, duplicate independent claim 2 dependencies for dependent claims 2-5 would be treated as if they are dependent on independent claim 1. A telephonic message was left with Attorney of Record (J. Randall Beckers, Reg. No. 30,358) suggesting an Examiner amendment to correct the above issue on July 20, 2005.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3, 7 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 3, 7 and 11 recite the limitation "...said display data is roughly visualized from the original image data...". The Office action would consider the term "roughly visualized" as to be uncompressed or "raw" image information.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2671

5. Claims 1, 3, 6, 7, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,381,343 B1 to Davis et al.

a. Regarding claims 1, 6 and 10, Davis et al. **discloses** an extraction unit (image server 16) (...a physical sample 10 is digitized...is connected to an image server 16 for creating digital image information representing a physical sample...col. 3, lines 20-37) extracting only a display result to be displayed on the display device (10a, Fig. 1) (...software on the image server...allow a digital image 10a to be displayed based upon captured digital information representations sample 10 so that the displayed image and the physical sample appear alike within prescribed tolerances...col. 3, lines 34-37); and a transmission unit (network 18, Fig. 1) transmitting the display data to the display device (10a)(...once images created or captured, they can be...sent through a network 18 to a host 20...col. 3, lines 26-31).

b. Regarding claims 3, 7 and 11, Davis et al. **discloses** wherein said display data is roughly visualized from the original image data (...it is advantageous to format the digital information...into multiple layers...layer 80b can include "raw" image information that is uncompressed...layer 80c can have a more compressed representation of the physical sample...col. 4, lines 21-67).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2671

7. Claims 4, 5, 8, 9, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,381,343 B1 to Davis et al. as applied to claim 1 above, and further in view of U.S. Patent No. 6,246,421 to Omori.

a. Regarding claims 4, 8 and 12, Davis et al. **discloses** color correct digital image transmission by reducing or eliminating colorcast and other imperfections (col. 3, lines 38-59) and **does not disclose** graphics data namely the digital image being processed and transmitted to be a three-dimensional graphics. Omori **discloses** geometry computing section 4 implementing such processes as coordinate transformation, clipping and the like for polygon rendering data (col. 3, lines 10-51). Therefore, it would have been obvious to a person of ordinary skill in the art at the time invention was made to modify the Davis's image server 16 to handle Omori's three-dimensional graphics image data as well **because** it reduces the bandwidth required for transmitting three-dimensional graphics data to a remote location thus reducing costs.

b. Regarding claims 5, 9 and 13, Davis et al. **discloses** image data being captured into multiple layers with each layer representing a different resolution of the digital image but **does not disclose** division of the original image data into a plurality of areas, and allowing a plurality of independent process units to process the areas, thereby performing extracting processes in parallel. Omori **discloses** dividing a two-dimensional image coordinate system into areas each composed of a plurality of pixels (NxM pixels in total)(col. 2, lines 4-50) and allocating NxM circuits respectively to the NxM pixels contained in that area, which results in time required for rendering to be shortened. Therefore, it would have been obvious to a person of ordinary skill in the art at the time invention was made to modify the device as taught by Davis et al. with the feature "plural rendering circuits for plurality of areas performing extracting processes in parallel" as taught by Omori **because** it would speed up graphics processing.

Art Unit: 2671

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Dalip K. Singh** whose telephone number is **(571) 272-7792**. The examiner can normally be reached on Mon-Friday (10:30AM-6:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Ulka Chauhan**, can be reached at **(571) 272-7782**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, please contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dalip K. Singh  
Examiner, Art Unit 2676

dks  
July 22, 2005



ULKA J. CHAUHAN  
PRIMARY EXAMINER